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TITLE 30--MINERAL RESOURCES

DEPARTMENT OF THE INTERIOR

PART 210--FORMS AND REPORTS--Table of Contents

Subpart E--Solid Minerals, General

Source: 66 FR 45771, Aug. 30, 2001, unless otherwise noted.

Sec. 210.200 What is the purpose of this subpart?

This subpart explains your reporting requirements if you produce coal or other solid minerals from Federal or Indian leases. Included are your requirements for reporting production, sales, and royalties.

Sec. 210.201 How do I submit Form MMS-4430, Solid Minerals Production and Royalty Report?

(a) What to submit. (1) You must submit a completed Form MMS-4430 for--

(i) Production of all coal and other solid minerals from any Federal or Indian lease;

(ii) Sale of any such mineral;

(iii) Any such mineral held in stockpile or inventory; and

(iv) Payment of rents (other than those for which you receive from MMS a Courtesy Notice as defined in Sec. 218.51(a) of this chapter), minimum royalty, deferred bonus, advance royalty, minimum royalty payable in advance, settlements, recoupments, and other financial obligations.

(2) You must submit a completed Form MMS-4430 for any product you sell from a remote storage site. If you sell from five or fewer remote storage sites, you must report sales from each site on separate Forms MMS-4430. If you sell from more than five remote storage sites, you must total the data from all sites and report the summarized data on one Form MMS-4430.

(3) Instructions for completing and submitting Form MMS-4430 are available on our Internet reporting web site or you may contact us toll free at 1-888-201-6416.

(b) When to submit. (1) Unless your lease terms specify a different frequency for royalty payments, you must submit your Form MMS-4430 on or before the end of the month following the month in which you produce any solid mineral, sell any solid mineral, or hold any solid mineral production in stockpile or inventory. However, if the last day of the month falls on a weekend or holiday, your Form MMS-4430 is due on the next business day.

(2) If your lease terms specify a different frequency for royalty payment, then you must submit your Form MMS-4430 on or before the date on which you must pay royalty under the terms of the lease.

(3) You must submit your Form MMS-4430 for payment of rents (other than those for which you receive from MMS a Courtesy Notice as defined in Sec. 218.51(a) of this chapter), minimum royalty, deferred bonus, advance royalty, minimum royalty payable in advance, settlements, recoupments, and other financial obligations on or before the date on which you must pay those obligations under the terms of the lease.

(4) If the information on a previously reported Form MMS-4430 is no longer correct, you must submit a revised Form MMS-4430 by the last day of the month in which you learn that the previously reported information is no longer correct, except when the last day of the month falls on a weekend or holiday. If the last day of the month falls on a weekend or holiday, your revised Form MMS-4430 is due on the first business day of the following month.

(c) How to submit. (1) You must submit Form MMS-4430 electronically using our Internet reporting web site unless you meet the conditions in paragraph (c)(2). We will provide written instructions and a valid login and password before you begin reporting.

(2) You are not required to report electronically if you are a small business as defined by the U.S. Small Business Administration (13 CFR 121.201) and you have no computer, no plans to purchase a computer, and no contract with an electronic reporting service.

(3) If you do not report electronically, you must submit the completed Form MMS-4430 to us at one of the following addresses, unless MMS publishes notice in the Federal Register giving a different address:

(i) For U.S. Postal Service regular mail or Express Mail: Minerals Management

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Service, Minerals Revenue Management, P.O. Box 5810, Denver, Colorado 80217-5810; or

(ii) For courier service or overnight mail (excluding Express Mail): Minerals Management Service, Minerals Revenue Management, Building 85, Denver Federal Center, Room A-614, Denver, Colorado 80225.

[66 FR 45771, Aug. 30, 2001; 66 FR 50827, Oct. 5, 2001]

Sec. 210.202 How do I submit sales summaries?

(a) What to submit. (1) You must submit sales summaries for all coal and other solid minerals produced from Federal and Indian leases and for any remote storage site from which you sell Federal or Indian solid minerals. You do not have to submit a sales summary for those months in which you do not sell any Federal or Indian production.

(2) If you sell from five or fewer remote storage sites, you must submit a sales summary for each site. If you sell from more than five remote storage sites, you may total the data from all sites and submit the summarized data as one sales summary. The details you report on the sales summary are for the same sales reported on Form MMS-4430.

(3) Use the following table to determine the time frames for submitting sales summaries and the data elements you must include. Your submitted sales summaries must include the following data but may be internally generated documents from your own records. You do not need to re-format them before submitting them to us:

Data element	Coal	Sodium/potassium	Western phosphate	
(i) Purchaser Name or Unique Identification.	Monthly.....	Monthly.....	Monthly.....	Mo
(ii) Sales Units.....	Monthly.....	Monthly.....	Monthly.....	Mo
(iii) Gross Proceeds.....	Monthly.....	Monthly.....	Not Required.....	Mo
(iv) Processing or washing costs	Monthly.....	Monthly.....	Not Required.....	Mo
(v) Transportation costs.....	Monthly.....	Monthly.....	Not Required.....	Mo
(vi) Name of product type sold..	Not Required.....	Monthly.....	Not Required.....	Mo
(vii) Btu/lb.....	Monthly.....	Not Required.....	Not Required.....	No
(viii) Ash %.....	Monthly.....	Not Required.....	Not Required.....	No

(ix) Sulfur %.....	Monthly.....	Not Required.....	Not Required.....	No
(x) lbs SO2.....	Monthly.....	Not Required.....	Not Required.....	No
(xi) Moisture %.....	Monthly.....	Not Required.....	Monthly.....	No
(xii) By-product Units.....	Not Required.....	As Requested.....	Monthly.....	As
(xiii) P2O5 %.....	Not Required.....	Not Required.....	Monthly.....	No
(xiv) Size.....	Not Required.....	Not Required.....	Not Required.....	No
(xv) Net Smelter Return data....	Not Required.....	Not Required.....	Not Required.....	Mo
(xvi) Other Data e.g., Royalty Calculation Worksheet.	As Requested.....	Monthly.....	As Requested.....	As

(b) When to submit. (1) For leases with ad valorem royalty terms (that is, leases for which royalty is a percentage of the value of production), you must submit your sales summaries monthly at the same time you submit Form MMS-4430. You do not have to submit a sales summary for any month in which you did not sell Federal or Indian production.

(2) For leases with no ad valorem royalty terms (that is, leases in which the royalty due is not a function of the value of production, such as cents-per-ton or dollars-per-unit), you must submit monthly sales summaries only if we specifically request you to do so.

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(c) How to submit. (1) You should provide the sales summary data via electronic mail where possible. We will provide instructions and the proper email address for these submissions.

(2) If you submit sales summaries by paper copy, mail them to one of the following addresses, unless MMS publishes notice in the Federal Register giving a different address:

(i) For U.S. Postal Service regular mail or Express Mail: Minerals Management Service, Minerals Revenue Management, Solid Minerals and Geothermal Compliance and Asset Management, P.O. Box 25165, MS 390G1, Denver, Colorado 80225-0165.

(ii) For courier service or overnight mail (excluding Express Mail): Minerals Management Service, Solid Minerals and Geothermal Compliance and Asset Management, 12600 West Colfax Avenue, Suite C-100, Lakewood, Colorado 80215.

Sec. 210.203 How do I submit sales contracts?

(a) What to submit. You must submit sales contracts, agreements, and contract amendments for the sale of all coal and other solid minerals produced from Federal and Indian leases with ad valorem royalty terms.

(b) When to submit. (1) For coal and metal production, you must submit the required documents semi-annually, no later than March 30 and September 30 of each year.

(2) For sodium, potassium, and phosphate production, and production from any other lease with ad valorem royalty terms, you must submit the required documents only if you are specifically requested to do so.

(c) How to submit. You must submit complete copies of the sales contracts and amendments to us at the applicable address given in Sec. 210.202(c)(2), unless MMS publishes notice in the Federal Register giving a different address.

Sec. 210.204 How do I submit facility data?

(a) What to submit. (1) You must submit facility data if you operate a wash plant, refining, ore concentration, or other processing facility for any coal, sodium, potassium, metals, or other solid minerals produced from Federal or Indian leases with ad valorem royalty terms, regardless of whether the facility is located on or off the lease.

(2) You do not have to submit facility data for those months in which you do not process solid minerals produced from Federal or Indian

leases and do not have any such minerals in stockpile inventory.

(3) You must include in your facility data all production processed in the facility from all properties, not just production from Federal and Indian leases.

(4) Facility data submissions must include the following minimum information:

- (i) Identification of your facility;
- (ii) Mines served;
- (iii) Input quantity;
- (iv) Input quality or ore grade (except for coal);
- (v) Output quantity; and
- (vi) Output quality or product grades.

(5) Your submitted facility data may be internally generated documents from your own records. You do not need to re-format them before submitting them to us.

(b) When to submit. You must submit your facility data monthly at the same time you submit your Form MMS-4430.

(c) How to submit. (1) You should provide the facility data via electronic mail where possible. We will provide instructions and the proper email address for these submissions before you begin reporting.

(2) If you submit facility data by paper copy, send it to the applicable address given in Sec. 210.202(c)(2).

Sec. 210.205 Will I need to submit additional documents or evidence to MMS?

(a) Federal and Indian lease terms allow us to request detailed statements, documents, or other evidence necessary to verify compliance with lease terms and conditions and applicable rules.

(b) We will request this additional information as we need it, not as a regular submission.

Sec. 210.206 How will information submissions be kept confidential?

Information submitted under this part that constitutes trade secrets or

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commercial and financial information that is identified as privileged or confidential, or that is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552, shall not be available for public inspection or made public or disclosed without the consent of the lessee, except as otherwise provided by law or regulation.

Subpart F--Coal [Reserved]

Subpart G--Other Solid Minerals [Reserved]